

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Sirius Satellite Radio, Inc.)	
Application for Special Temporary Authority)	File No. SAT-STA-20010724-00064
to Operate Satellite Digital Audio Radio)	
Service Complementary Terrestrial Repeaters)	
)	
)	
)	

ORDER

Adopted: October 15, 2001

Released: October 15, 2001

By the Chief, International Bureau:

1. By this Order, we modify on our own motion, pursuant to Section 1.113 of the Commission's rules,¹ our September 17, 2001 order granting Sirius Satellite Radio, Inc. (Sirius) special temporary authority (STA) to operate Satellite Digital Audio Radio Service (SDARS) complementary terrestrial repeaters in the 2332.5-2345 MHz frequency band.² As set forth below, in the *Sirius STA Order* we required Sirius to coordinate operations with WCS licensees and provide certain information to the WCS licensees upon request. On reconsideration, we also require Sirius to provide this information to Multipoint Distribution Service (MDS) and Instructional Television Fixed Service (ITFS) licensees as well.

2. In October 1997, the International Bureau authorized Sirius to launch and operate two geostationary satellites to provide SDARS. Sirius launched its satellites early this year. The Commission, in adopting service rules for SDARS, recognized the need for SDARS to use complementary terrestrial repeaters.³ The rulemaking proceeding to establish operating parameters for repeater stations remains pending.⁴ Thus, to enable Sirius to begin offering SDARS to the public, the Bureau authorized Sirius to operate its complementary terrestrial repeater network on a temporary basis

¹ 47 C.F.R. § 1.113.

² Sirius Satellite Radio, Inc., Application for Special Temporary Authority to Operate Satellite Digital Audio Radio Service Complementary Terrestrial Repeaters, *Order and Authorization*, DA 01-2171 (rel. September 17, 2001) (*Sirius STA Order*).

³ Establishment of Rules and Policies for the Digital Audio Radio Service in the 2310-2360 MHz Band, *Report and Order, Memorandum Opinion and Order, and Further Notice of Proposed Rulemaking*, 12 FCC Rcd 5754, 5810 (1997).

⁴ *Id.*

subject to certain conditions. One such condition is that Sirius must immediately reduce the power level, or if necessary, cease operation of any repeater that causes interference to a WCS, MDS or ITFS authorized station upon receipt of a written, descriptive notification from a WCS, MDS or ITFS licensee identifying the specific source of interference.⁵ To assist in resolving immediate interference problems to facilities already in operation, Sirius is required to provide the name and phone number of a contact person available to all WCS licensees and WCA prior to commencing operations, that is available on a continuous basis to receive reports of actual interference and take immediate corrective action.⁶

3. The Bureau also noted that it expected SDARS and WCS licensees to cooperate during the coordination process and exchange information necessary to mitigate the potential for interference to WCS licensees' facilities deployed but not yet operating. To facilitate coordination, the STA requires Sirius to make available to WCS licensees and the Commission, upon request, the locations and technical parameters of all repeaters operating pursuant to the STA, including those operating at or below 2 kW EIRP.⁷ In addition, a point of contact requirement was established to facilitate immediate SDARS action to eliminate actual interference to an operational WCS, MDS or ITFS facility.

4. The purpose of these conditions is to prevent interference to WCS, MDS and ITFS licensed facilities, and through established points of contact, to resolve immediately any interference that may arise as a result of Sirius's use of terrestrial repeaters. Consequently, on reconsideration, we believe that cooperation between all potentially affected licensees is necessary and that MDS and ITFS licensees should be included in the exchange of information. Accordingly, we modify the *Sirius STA Order* to require Sirius to provide information about its low power terrestrial repeaters, as specified below, to MDS and ITFS licensees in addition to the WCS licensees. We also maintain the requirement that Sirius provide its contact information to WCA, as originally conditioned.⁸

5. We reiterate that any actions taken as a result of the STA are at Sirius's own risk. Nothing in the STA or this Order shall prejudice the outcome of the final rules adopted by the Commission in IB Docket 95-91.

6. Accordingly, IT IS ORDERED, that pursuant to Sections 1.113 and 0.261 of the Commission's rules, 47 C.F.R. §§ 1.113 and 0.261, the Special Temporary Authorization granted to Sirius Satellite Radio, Inc. on September 17, 2001 is modified to include the following conditions:

Sirius must 1) make available to MDS and ITFS licensees, and to the Commission, upon request, the locations and technical parameters of all repeaters operating pursuant to this STA, including those operating at or below 2 kW EIRP, and 2) provide the name and telephone contact number

⁵ *Sirius STA Order* at para. 14.

⁶ *Id.*

⁷ *Id.*

⁸ In requiring the disclosure of this information to WCS licensees, the Bureau noted that it would be reasonable for Sirius to enter into a commercially reasonable non-disclosure agreement with the licensees seeking access to information on Sirius's repeater locations. This also applies to the MDS and ITFS licensees, as well as the expectation that MDS and ITFS licensees requesting such information from Sirius would give a similarly prompt and reasonable response to a request from Sirius for relevant information regarding the location and technical parameters of the licensees' MDS and ITFS stations. See *Sirius STA Order* at note 30.

of a point of contact to WCA prior to commencing operation, that will be available on a

continuous basis (*i.e.*, 24 hours a day, 7 days a week) to receive reports of actual interference and to take immediate action to correct it.

7. IT IS FURTHER ORDERED that this Order is effective upon release.

FEDERAL COMMUNICATIONS COMMISSION

Donald Abelson
Chief, International Bureau